

NOTICE OF PENDENCY OF CLASS ACTION

Perez v. Maid Brigade, Inc., et al.

U.S. Dist. Court, Northern Dist. of California Case No. C 07-3473 SI

PLEASE READ THIS NOTICE CAREFULLY

THIS NOTICE RELATES TO A PROPOSED SETTLEMENT OF THE ABOVE-CAPTIONED CLASS ACTION, AND IT CONTAINS IMPORTANT INFORMATION REGARDING YOUR RIGHTS AS A POTENTIAL CLASS MEMBER (UNLESS YOU OPT OUT).

AS EXPLAINED IN MORE DETAIL BELOW, TO RECEIVE A PORTION OF THE SETTLEMENT, YOU MUST FILE A CLAIM BY [INSERT DATE]. IF YOU FAIL TO FILE A TIMELY AND VALID CLAIM, YOU WILL RECEIVE NOTHING UNDER THIS SETTLEMENT, BUT UNLESS YOU OPT OUT YOU WILL STILL BE BOUND BY THE RELEASE OF CLAIMS AND DISMISSAL DESCRIBED IN THIS NOTICE.

Pursuant to an Order of the United States District Court, Northern District of California, a proposed settlement has been reached in Perez v. Maid Brigade, Inc. and BMJ LLC, U.S. District Court, Northern District of California Case No. C 07-3473 SI. In Perez v. Maid Brigade, Inc. and BMJ LLC, Virginia Perez has filed suit on your behalf, seeking damages and penalties for employees who were employed by BMJ LLC in California between July 7, 2003, and **[INSERT DATE OF ENTRY OF ORDER OF PRELIMINARY APPROVAL]**. If approved by the Court, the settlement will provide payments to Class Members who file valid and timely claims, and it will result in (1) the dismissal of the class-action lawsuit with prejudice and (2) the release, by Class Members who do not opt out of the class action, of the claims described below. **IN OTHER WORDS, UNLESS YOU OPT OUT OF THE CLASS ACTION, YOU WILL BE BOUND BY THE TERMS OF THE SETTLEMENT.**

This Notice is not intended to be, and should not be construed as, an expression of any opinion by the Court with respect to the truth of the allegations in the litigation or the merits of the claims or defenses asserted. This Notice is to advise you of the case and of your rights in connection with it.

A. PURPOSE OF THIS NOTICE

The Court has certified, for settlement purposes only, the following Class: all persons who were employed by BMJ LLC in California between July 7, 2003, and **[INSERT DATE OF ENTRY OF ORDER OF PRELIMINARY APPROVAL]** who do not file a timely request to be excluded.

According to Defendants' records, you are a Member of the Class. The purpose of this Notice is to inform you about the matter and to discuss your rights and options with respect to the litigation.

B. DESCRIPTION OF THE LITIGATION

Plaintiff contends that certain Members of the Class did not receive a minimum wage and that certain Members of the Class were required to work through their rest and meal breaks. Plaintiff seeks equitable relief and to recover damages, statutory penalties, interest, attorney's fees, and costs on behalf of herself and the Class, as well as civil penalties under the California Labor Code Private Attorneys General Act. Defendants deny Plaintiff's claims and contend that they complied with all applicable requirements of law.

Please be advised that the Court has not ruled on the merits of Plaintiff's claims or Defendants' defenses.

The attorneys representing the Class ("Class Counsel") are:

Alan Harris
David Zelenski
Harris & Ruble
5455 Wilshire Boulevard, Suite 1800
Los Angeles, CA 90036
Telephone: (323) 931-3777
Facsimile: (323) 931-3366

The attorneys representing Defendants are:

[TO BE INSERTED BY DEFENDANTS' COUNSEL]

C. SUMMARY OF THE TERMS OF THE PROPOSED SETTLEMENT

Subject to the Court's approval, the terms of the settlement are as follows:

1. Defendants agree to pay \$90,000. The \$90,000 shall include (1) all amounts to be paid to participating Class Members who file approved claims; (2) all amounts, if any, Defendants must pay for taxes because of amounts paid to participating Class Members; (3) an enhancement for Plaintiff in such amount as the Court may award, up to a maximum of \$5,000, for her services as Class Representative; (4) all costs associated with notices to the Class; (5) the costs of administering the claims procedure and distribution of individual settlement amounts to Class Members; (6) reasonable attorney's fees, expenses, and costs to be paid to Class Counsel, not to exceed \$30,000; and (7) a base payment in the amount of \$2,500 to the California Labor and Workforce Development Agency. Any amount remaining of the \$90,000 that Defendants have agreed to pay, after all payments contemplated by (1)–(7), above, shall be paid to the California Labor and Workforce Development Agency.
2. Each Member of the Class who does not exclude himself or herself from the settlement as described in Paragraph E of this Notice is deemed to release Defendants of any and all causes of action, claims, damages, equitable, legal,

and administrative relief, interest, demands, or rights, whether based on federal, state, or local statute, common law, ordinance, or regulation, or any other source, known or unknown, previously asserted or not, whether or not concealed or hidden, that have been, could have been, may be, or could be alleged in the litigation by a Class Member relating to claims for violation of the Fair Labor Standards Act, California Labor Code sections 201–203, 218.5, 226, 226.7, 510, 1194 and 2698 *et seq.* (and related Wage Orders), Business and Professions Code section 17200 *et seq.*, and claims for recovery of statutory penalties and/or attorneys’ fees under California Labor Code, sections 203, 218.5, 226, 226.7, 1194, and 2698 *et seq.*, any Wage Order of the Industrial Welfare Commission, and California Code of Civil Procedure, Section 1021.5, that arise from acts or omissions of the Released Persons occurring from the beginning of time up to [INSERT DATE].

3. If the Court gives its final approval to the proposed settlement, the Court will enter a Judgment dismissing the litigation with prejudice.

D. TO RECEIVE A SETTLEMENT PAYMENT

In order to receive a payment under the settlement, you must complete, sign, and mail the enclosed Claim Form to the Settlement Administrator at the address listed below. **YOUR CLAIM FORM MUST BE POSTMARKED NO LATER THAN [INSERT DATE]. LATE OR INCOMPLETE CLAIM FORMS WILL NOT BE HONORED.**

The Settlement Administrator is:

**Harris & Ruble
5455 Wilshire Boulevard, Suite 1800
Los Angeles, CA 90036
Telephone: (323) 931-3777
Facsimile: (323) 931-3366**

By completing and submitting a Claim Form, you are giving your written consent to becoming a party plaintiff in the litigation, you will be considered to have “opted in” to the litigation, and you will have permanently waived and released any claims that have been, could have been, may be, or could be alleged in the litigation by a Class Member relating to claims for violation of the Fair Labor Standards Act, California Labor Code sections 201–203, 218.5, 226, 226.7, 510, 1194 and 2698 *et seq.* (and related Wage Orders), Business and Professions Code section 17200 *et seq.*, and claims for recovery of statutory penalties and/or attorneys’ fees under California Labor Code, sections 203, 218.5, 226, 226.7, 1194, and 2698 *et seq.*, any Wage Order of the Industrial Welfare Commission, and California Code of Civil Procedure, Section 1021.5, that arise from acts or omissions of the Released Persons occurring from the beginning of time up to [INSERT DATE].

E. TO REQUEST EXCLUSION FROM THE CLASS ACTION

If you do not want to participate in the class action, you must complete and mail a written request for exclusion to Harris & Ruble at the address listed above. In order to be valid, your request for exclusion must be postmarked no later than **[insert date]**, and it must provide your name, address, and telephone number; it must clearly state that you are requesting exclusion from the settlement in the case entitled Perez v. Maid Bridage Inc. and BMJ LLC, U.S. District Court, Northern District of California Case No. C 07-3473 SI; and it must be signed by you personally or by your attorney if you are represented by counsel.

If you submit a timely and valid request for exclusion, you will not be eligible to receive any of the benefits of the settlement. You will, however, retain whatever rights you may have against Defendants that arise out of the claims referred to above.

Any Member who does not request exclusion, if the Member so desires, may enter an appearance through counsel.

F. TO OBJECT TO THE SETTLEMENT

If you believe that the proposed settlement is unfair or inadequate in any respect, you may object to the settlement, the provision for the payment of attorney's fees and litigation costs, the enhancement award to Plaintiff, or any other aspect of the settlement, either personally or through an attorney, by filing a written objection with the Court and mailing a copy of your written objection to Counsel for the parties and to the Settlement Administrator at their respective addresses listed above.

All objections must be signed and set forth your address, telephone number, Social Security number, and the name of the case (Perez v. Maid Brigade, Inc. and BMJ LLC, U.S. District Court, Northern District of California Case No. C 07-3473 SI). All objections must be **FILED WITH THE COURT AND POSTMARKED TO THE SETTLEMENT ADMINISTRATOR** no later than **[INSERT DEADLINE]**. If you submit a timely objection, you may appear, either personally or through an attorney, at your own expense, at the final-approval hearing, discussed below. Your objection should clearly explain why you object to the proposed settlement. At the hearing, the Court will consider and rule upon all timely objections.

Any Member of the Class who does not object in the manner described above shall be deemed to have waived any objections and shall forever be foreclosed from objecting to the fairness or adequacy of the proposed settlement, the payment of attorney's fees and litigation costs, the payment to Plaintiff, the claims process, and any and all other aspects of the settlement. If the settlement is not approved by the Court, the litigation will continue to be prepared for trial or other judicial resolution.

REGARDLESS OF WHETHER YOU FILE AN OBJECTION, YOU MUST SUBMIT A TIMELY AND VALID CLAIM FORM IN ORDER TO RECEIVE ANY PROCEEDS UNDER THE SETTLEMENT.

G. IF YOU DO NOTHING

If you do nothing in response to this Notice, you will not receive any proceeds from the settlement **BUT YOU WILL BE DEEMED TO HAVE RELEASED ALL CLAIMS LISTED IN PARAGRAPH C.2, ABOVE, AGAINST DEFENDANTS BMJ LLC AND MAID BRIGADE, INC.**

H. FINAL-APPROVAL HEARING ON PROPOSED SETTLEMENT

The Final-Approval Hearing on the fairness and adequacy of the proposed settlement, the plan of distribution, Class Counsel's request for attorney's fees and costs, the administrative costs, and the enhancement award to Plaintiff will be held on **[INSERT DATE AND TIME]**, before the Honorable Susan Illston, United States District Judge, Courtroom 10, United States District Court, located at 450 Golden Gate Avenue, San Francisco, California 94102. At the Final-Approval Hearing, the Court will consider and rule upon all timely objections. The Final-Approval Hearing may be continued without further notice.

I. ADDITIONAL INFORMATION

This Notice only summarizes the litigation and other related matters. For more information, you may review the Court's files at the Office of the Clerk of the Court for the United States District Court, Central District of California, 450 Golden Gate Avenue, San Francisco, California 94102, during business hours of each business day. Any questions regarding this Notice, the Claim Form, or how to request exclusion should be sent to Class Counsel at the address and telephone number set forth above. If your address changes or is different from the one on the envelope enclosing this Notice, please promptly notify Class Counsel.

J. REMINDER AS TO TIME LIMITS

If you wish to participate in this settlement and receive any of its benefits, you must complete and return the enclosed Claim Form postmarked on or before **[INSERT DATE]**. Likewise, if you wish to exclude yourself from the class action, you must complete and return a request for exclusion postmarked on or before **[INSERT DATE]**.

PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE